UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

JOSEPH ALLEN,)	
Petitioner,)	
V.)	No. 4:08-CV-1235 CAS
MICHAEL BOWERSOX,)	
Respondent.)	

ORDER

This matter is before the Court on state prisoner Joseph Allen's action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Mary Ann L. Medler for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On March 6, 2009, Judge Medler filed a Report and Recommendation of United States Magistrate Judge which recommended that Allen's petition for writ of habeas corpus be denied on the basis that it is untimely. No objections were filed to the Magistrate Judge's Report and Recommendation within the time permitted.

After careful review of the record, the Court concurs in the recommendation of the Magistrate Judge.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States

Magistrate Judge is sustained, adopted and incorporated herein. [Doc. 10]

IT IS FURTHER ORDERED that Joseph Allen's Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is DENIED. [Doc. 1]

IT IS FURTHER ORDERED that this matter is DISMISSED, with no further action to take place herein.

An appropriate judgment will accompany this order.

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Dated this 22nd day of April, 2009.